



**MINUTES OF THE JOINT MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY
OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, September 14, 1999, 8:00 p.m.

MEETING

The Special Joint Meeting of the City Council/Redevelopment Agency was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Hilson.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PRESENTATION: Pride in Hayward Award

The following homeowners were recipients for the Pride in Hayward Award: Daniel and Peggy Apperson from the Harder Tennyson Neighborhood; Mark and Andrea Strohecker, David and Priscilla Dunlap, and Thomas and Betty Lawler from Woodland Estates; and George and Barbara Barrera from the Santa Clara Neighborhood.

PUBLIC COMMENTS

Jason Moreno, 25200 Carlos Bee Boulevard, commented on City processes, its administrators and public input.

Al Reynolds, 2547 Erskine Lane, was concerned that there may not be a Veterans' Parade in Hayward. Mayor Cooper indicated that there would be a Veterans Day Parade on November 11.

City Manager Armas stated that he has already met with Allen Strutz, one of the coordinators, to prepare for that event.

Francisco Abrantes, 22815 Alice Street, spoke on behalf of small business owners and the impact of taxes on their businesses.

CONSENT

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of September 7, 1999

It was moved by Council/RA Member Henson, seconded by Council/RA Member Hilson, and unanimously carried to approve the Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of September 7, 1999.

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2. Mission Boulevard Street Lighting Project: Award of Contract

Staff report submitted by Deputy Director of Public Works
Bauman, dated September 14, 1999, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 99-147, "Resolution Awarding Contract to Mike Brown
Electric Company for Installation of Street Lights for the Mission
Boulevard Street Lighting Project, Project No. 5143"

HEARINGS

3. Zone Change Application No. 99-120-01 - Bill Boyl, Greenberg Farrow Architecture, Representing The Home Depot (Applicant), City of Hayward (Owner) - Request a Zone Change to Construct a Home Improvement Retail Center with Garden Center - Project Site is Adjacent to Hayward Executive Airport and Generally Bound by Hesperian Boulevard, Sueirro Street, Skywest Drive and West "A" Street

Staff report submitted by Associate Planner Patenaude, dated
September 14, 1999, was filed.

Associate Planner Patenaude made the staff presentation, noting that the project is within the City's General Policies Plan, the usage has been approved by various agencies and that the site will not impact airport operations. He noted that the intersection will be at a "D" level for traffic, the lowest acceptable level of service, and added, that the Planning Commission recommended closing the two driveways to eliminate traffic onto and from Hesperian Boulevard. He indicated that City staff does not favor the suggested closure. He enumerated various architectural deficiencies of the project such as the chain-link fence around the garden area and the need for improvement on the roof arcades. Suggested staff elevations were presented. The recommendation includes a Condition of Approval to require that a project redesign be completed. Traffic data was listed with a projected daily trip estimation being over 3,000. Staff responded to Council questions regarding the restricted delivery hours, noise impacts to the adjacent hotel, clarification of the staff recommendation for a structure redesign, loading dock design, landscape maintenance of adjacent property, driveway closures, the lack of temporary cart storage in the parking area, and lighting on the top of the building. There was further clarification that staff recommends Council action to include a structural redesign with final Council approval at a future date.

At the concern of Council Member Hilson, Associate Planner Patenaude suggested that a provision could be added to the condition relating to maintenance of the parking lot that includes temporary storage for shopping carts.

Council Member Henson inquired on the projected morning and afternoon peak vehicle trips. He



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asked that staff justify the projections of the truck trips from the two driveways. City Engineer Bauman explained the origin of the data that was used to complete the analysis and that approximately 14 delivery trucks are expected daily.

Council Member Rodriguez asked for clarification on the hours of operation. She asked if staff has considered berming rather than a wall from the customer driveway on Hesperian. She was told that the area would be bermed with a small fence topping the property.

Council Member Dowling asked staff to discuss alternative sites for such retail opportunities. He also asked for clarification of the marketing of the site.

City Manager Armas explained that this is prime real estate for the City and was marketed as such. However the interest for aviation usage, office space and restaurants were not present.

Council Member Ward asked whether the mitigated negative declaration checklist included who will remove the existing underground tank on the property. Public Works Director Butler reported that the City is assuming that responsibility.

Mayor Cooper opened the public hearing at 9:04 p.m.

Citing economic benefits to the City and convenience to the store, the following citizens spoke in favor of the Home Depot project:

Joann Van Camp, 27628 Pensacola Way
Ana Pinheiro, 25591 Calaroga Avenue
John Kyle, 22638 Teakwood Street
Fred Roybal, Jr., 1180 E Street
Ralph Padilla, 788 Bluefield Street
Estelito Chavez, 24577 Willimet Way
Jim Pineda, 25565 Spring Drive
Diane Peterson, 22428 Sonoma Street

Citing traffic problems, environment issues including the burrowing owl, incongruent airport land use, and congestion in the area, the following citizens spoke in opposition to the Home Depot project:

John Roden, 26306 Adrian Avenue
Dennis Pulizzano, 2528 Tahoe Avenue
J.V. McCarthy, 732 B Street
Francisco Abrantes, 22815 Alice Street
Nubar Deombeleg, 18136 Reamer Road, Castro Valley, Vice-President of the California Pilots Association

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Rose Ferreira, 662 Banbury Street
Art Kealy, 1166 Denton Avenue
Kathy Kealy, 1166 Denton Avenue
Lynn Hanley, 1008 Sahara Court
Ernest Jaramillo, 18637 Hunter Avenue
Anne Martino, 2612 Erskine Lane
George Diamantine, 808 B Street
Bob Billmire, 29356 Providence Way
Harry McKinley, People Airways Air Service
Father Ray Zielinsky, St. Joachim's Catholic Church, 21250 Hesperian Boulevard
Terrell Shelley, 3347 Daisy Court
Ron Barklow, 1210 Tiegen Drive
Jason Moreno, 25200 Carlos Bee Boulevard
Howard Beckman, 1261 Via Dolorosa, San Lorenzo
Hugh Logan, 1085 Via Corolla, San Lorenzo
Maria Luz Datayan, 22871 Nevada Road
John Neath, 681 Longwood Avenue
John Gilbertson, 22907 Nevada Road
Bea Thornton, 816 Pinedale Court

Mayor Cooper closed the public hearing at 10:44 p.m.

Bill Boyl, Greenberg Farrow, architect for Home Depot, addressed several issues that had been brought up during the public hearing. He indicated that several parking stalls could be removed to create a shopping cart collection point in the parking area. He added that one of the conditions of approval that he had previously had a problem with is now revised so that announcement speakers will not be installed in the garden center that could have potential noise impact. He asked for reconsideration of the hours for delivery trucks. He indicated that the usual hours of operation for most stores are 6 a.m. through midnight daily, and on Sundays, the hours would be from 8 a.m. until 7 p.m. He then introduced the project traffic engineer who addressed the traffic questions.

Maynard Keith-Frankin, from Associated Transportation Engineers, 100 Hope Avenue, Suite 4, Santa Barbara, responded to City staff concerns and clarified the traffic data that 3,400 new trips to the area and the additional to total 3,700 of those passing the store. He also stated reasons for the need to have the two exits on Hesperian Boulevard.

Council Member Ward noted that closing a driveway could create problems in the parking lot as well as danger for pedestrians because of the large trucks having to exit through the lot toward Sueirro Drive.

City Manager Armas reiterated that the City would be responsible for the Sulphur Creek maintenance.

Mayor Cooper called for a recess at 11:01 p.m. and reconvened at 11:08 p.m.



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Mayor Cooper commented that the issues before Council were the zone change application, the mitigated negative declaration, and the planned development ordinance.

Council Member Hilson said he appreciated the turn out from constituents. Their input is valuable. He asked whether the conversion of airport land inhibited airport usages.

City Manager Armas described some of the history of the airport and the master plan for the airfield area. He indicated that service at the airport peaked 20 years ago at 270,000. The projected forecast for 2020, is that the level of service may reach the level of 20 years ago. Aviation activity has dropped dramatically across the country. He added that the airport could support nearly twice what is there now. He stated that based on available information, there is no indication that selling off the land has inhibited the airport.

Council Member Hilson stated that he was made aware of a number of airlines that were not comfortable on this. He suggested that the applicant significantly upgrade the design and resolve the conflict with pedestrians and vehicles.

Council Member Ward commented on the visibility of the structure from Hesperian and suggested that somehow the visual impact be reduced.

Associate Planner Patenaude suggested that the design of the building and conditions of significant landscaping area and trees along Hesperian and the streetscape will help to screen the building.

Council Member Ward added that he appreciated the concerns of the neighborhood in particular the generation of traffic. However, any use in this particular location could generate additional traffic. Council Member Ward moved, seconded by Council Member Dowling, to approve the project with the condition that that the applicant work with staff to modify the design to make it consistent with designs for other major entrances to the City. Additionally, he moved that staff investigate the potential for earlier delivery hours, adopt the Mitigated Negative Declaration, determine that the proposed structures and appurtenances do not create any hazard or interfere with aircraft landing or take-off; and to approve the Planned Development District subject to the findings and conditions of approval. Lastly, he moved to introduce an ordinance in connection with Zone Change Application 99-120-01.

Council Member Henson, questioned whether this is consistent with aviation uses and in his opinion, this proposal is not. That frontage site should be developed with an aviation kind of usage. He indicated that commuter airlines are feasible. He emphasized the need to use this location wisely. He supports Home Depot coming to Hayward but not at this specific location, claiming the project to be a "forced fit." This is an opportunity to say we value the airport and

its usage. Any project at this location could generate traffic, but he would prefer an aviation usage.

Council Member Henson then made an alternate motion to direct staff to find a more suitable location in Hayward for the Home Depot project and urged Council to deny this application. Council Member Rodriquez seconded his motion.

It was moved by Council Member Henson, seconded by Council Member Rodriquez, and failed by the following roll call vote to (motion):

AYES:	Council Members Rodriquez, Henson
NOES:	Council Members Jimenez, Hilson, Ward, Dowling
	MAYOR Cooper
ABSENT:	None
ABSTAINED:	None

The Council then continued with the original motion.

Council Member Dowling stated that there is a trend throughout California to accept more big box stores, since cities are more dependent on sales taxes. Cities need the revenue to continue services for people including the expansion of libraries and other needed services. If this City does not have room for Home Depot, they will go somewhere nearby. Home Depot is a good neighbor. He said he would support the original motion.

Council Member Rodriquez said Council Member Dowling's arguments are very good and true. However, the location for this project is not good. Neighborhood concerns are important, and this will have an impact on local merchants. She expressed concerns for merchants with small businesses and the negative impacts to the surrounding neighborhoods. She said she had evaluated the letters in support which cited the convenience and tax dollars. She also agreed with Council Member Dowling that this is what is happening all over the country. Hayward must determine if it is going to remain unique in merchandise or dominated by larger stores. She also recognized that Home Depot treats its employees well, but wondered if that is enough. She would not support the motion.

Council Member Jimenez said he listened to statements that downtown will suffer and has always voted for downtown revitalization. He regretted having to disappoint his friends, but stated that this would benefit the entire City.

Council Member Ward clarified that his motion included keeping the two driveways on Hesperian as recommended by staff. The second agreed with this clarification.

Council Member Henson said he failed to thank Home Depot for considering Hayward, although he could not support them at this location. He asked whether another site could be located. He emphasized that the airport has to survive as an airport. With the increase in general aviation, Hayward is already way ahead of other airports. He agreed that Hayward does need the money



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for services, but hopefully other new businesses will fill the void and address the issues in other ways. He said his support was fully for the airport.

Mayor Cooper stated that in the past five years, this Council has faced many important issues and made many difficult decisions. She agreed that Home Depot would not be her first choice for this particular site, but since Hayward has no large sites left, this is it. She added that Hayward is in a state of change and is challenged by it. Home Depot must be responsive to the design recommendations in order to eliminate negative visual impacts on the neighborhoods. She supposed that similar arguments may have been raised when Southland was first proposed, with similar neighborhood concerns of noise and traffic. Traffic is a way of life and it will get worse. Hayward is an important part of the region. It is no longer a suburb. Hayward is an urban area and hopefully the changes will be good.

It was moved by Council Member Ward, seconded by Council Member Dowling, and carried by the following roll call vote to introduce the following:

Ordinance 99-__, "An Ordinance Amending Section 10-1.135 of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Considered in Connection with Zone Change Application 99-120-01"

Resolution 99-148, "Resolution Approving the Preliminary Redevelopment Plan and Mitigated Negative Declaration in Connection with Zone Change Application No. 99-120-01 to Accommodate Construction of a Home Improvement Retail Center"

AYES: Council Members Jimenez, Hilson, Ward, Dowling
MAYOR Cooper

NOES: Council Members Henson, Rodriquez

ABSENT: None

ABSTAINED: None

COUNCIL REPORTS

There were no Council reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 11:53 p.m.

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APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency